

REMARKS

Claims 1-6 are pending in the application. Claims 1, 3, 4 and 6 have been amended. Reconsideration of this application is respectfully requested.

The Office Action has objected to the specification and, in particular, to the Title and the Abstract of the Disclosure. The title has been amended in the manner suggested by the Examiner except that "AND METHOD" has been added. A replacement Abstract of the Disclosure with less than 150 words has been provided. A copy of the amended Abstract of the Disclosure without redlining is also provided as Exhibit A hereto. Accordingly, it is submitted that the amendment obviates the objection to the specification and, therefore, that the objection should be withdrawn.

The Office Action rejects claims 1, 3, 4 and 6 under the second paragraph of 35 U.S.C. 112 as indefinite because of antecedent issues. Claims 1, 3, 4 and 6 have been emended to correct the antecedent issues listed in the Office Action. Accordingly, it is submitted that the rejection of claims 1, 3, 4 and 6 under the second paragraph of 35 U.S.C. 112 is obviated by the amendment.

The Office Action rejects claims 1 and 3-6 under 35 U.S.C. 102(e) as anticipated by U.S. Patent Publication No. US 2003/0100299 to Ko et al., hereafter Ko.

Independent claims 1 and 4 have been amended to recite that the received information is monitored and analyzed on a single time axis "in time synchronization regardless of a time delay due to a distance between the MPMS and the first packet data collecting device" (claim 1) and "in time synchronization regardless of a time delay due to a distance between the first and second locations" (claim 4).

Support for the above mentioned amendments is found in Fig. 2 and in the specification beginning at line 2 of page 10.

Ko's computer 508 does not analyze collected data on a single time axis in time synchronization regardless of a time delay due to a distance where collected. Rather Ko's paragraphs [0009, 0056, 0099-102 and 0119] clearly state that the GPS information received by computer 508 is used as an indication of a particular location of the mobile station. Ko's paragraph [0012] states that the GPS receiver may provide "optionally time and velocity information for the mobile responders" of prior art systems. Ko's paragraph [0059] states that data files can be marked with a time stamp from a GPS receiver. Ko does not disclose in these paragraphs or elsewhere that the received information is monitored and analyzed on a single time axis "in time synchronization regardless of a time delay due to a distance between the MPMS and the first packet data collecting device" and "in time synchronization regardless of a time delay due to a distance between the first and second locations" as recited in independent claims 1 and 4.

For the reason set forth above, it is submitted that the rejection of claims 1 and 3-6 under 35 U.S.C. 102(e) as anticipated by Ko is obviated by the amendment and should be withdrawn.

The Office Action rejects claim 2 under 35 U.S.C 103(a) as unpatentable over Ko in view of U.S Patent No. 6,097,699 to Chen et al., hereafter Chen.

This rejection is obviated by the amendment of independent claim 1, upon which claim 2 depends, for the reasons set forth above in the discussion of the rejection of independent claim 1.

The Office Action suggestion to use Chen in combination with Ko is improperly based on the hindsight of Applicants' disclosure. Such hindsight

reconstruction of the art cannot be the basis of a rejection under 35 U.S.C. 103. The prior art itself must suggest that modification or provide the reason or motivation for making such modification. In re Laskowski, 871 F.2d 115, 117, 10 USPQ 2d 1397, 1398-1399 (CAFC, 1989). "The invention must be viewed not after the blueprint has been drawn by the inventor, but as it would have been perceived in the state of the art that existed at the time the invention was made." Sensonics Inc. v. Aerosonic Corp. 38 USPQ 2d 1551, 1554 (CAFC, 1996), citing Interconnect Planning Corp. v. Feil, 774 F. 2d 1132, 1138, 227 USPQ 543, 547 (CAFC, 1985).

For the reasons set forth above, it is submitted that the rejection of claim 2 under 35 U.S.C. 103(a) is erroneous and should be withdrawn.

The Office Action cites a number of patents that were not applied in the rejections of the claims. These patents have been reviewed, but are believed to be inapplicable to the claims.

It is respectfully requested for the reasons set forth above that the objection to the specification be withdrawn, that the rejections under 35 U.S.C. 112, 35 U.S.C. 102(e) and 35 U.S.C. 103(a) be withdrawn, that claims 1-6 be allowed and that this application be passed to issue.

Respectfully Submitted,

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